

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The American Recovery and Reinvestment Act of 2009 Transportation and Infrastructure Provisions Implementation Status as of May 15, 2009

Prepared for

The Honorable James L. Oberstar
Chairman

By the Committee on Transportation and Infrastructure Majority Staff

For Release on Delivery May 21, 2009 10:00 a.m.

THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 TRANSPORTATION AND INFRASTRUCTURE COMMITTEE PROVISIONS

\$64.1 BILLION FOR TRANSPORTATION AND INFRASTRUCTURE INVESTMENT

- The American Recovery and Reinvestment Act of 2009 (P.L. 111-5) ("Recovery Act") provides \$64.1 billion of infrastructure investment to enhance the safety, security, and efficiency of our highway, transit, rail, aviation, environmental, flood control, inland waterways, public buildings, and maritime transportation infrastructure.
- The \$64.1 billion of Federal transportation and infrastructure investment will <u>create or sustain more than 1.8 million jobs and \$323 billion of economic activity.</u>
- Specifically, the Recovery Act provides:
 - Highways and Bridges: \$27.5 billion including Federal-aid Highway formula (\$26.8 billion), Indian Reservation Roads (\$310 million), National Park Roads (\$170 million), Forest Roads (\$60 million), Refuge Roads (\$10 million), Ferry Boats and Ferry Terminal facilities (\$60 million), On-the-Job Training (\$20 million), and Disadvantaged Business Enterprise bonding assistance (\$20 million)
 - Transit: \$8.4 billion
 including Transit Urban and Rural formula (\$6.8 billion), Transit Greenhouse Gas
 and Energy Reduction program (\$100 million), Fixed Guideway Modernization
 formula (\$750 million), and New Starts grants (\$750 million)
 - Rail: \$9.3 billion including High-speed Rail and Intercity Passenger Rail grants (\$8 billion), Amtrak Capital grants (\$850 million), and Amtrak Safety and Security grants (\$450 million)
 - Surface Transportation: \$1.5 billion including highway, bridge, public transit, intercity passenger rail, freight rail, and port infrastructure grants
 - Aviation: \$1.3 billion including Airport Improvement Program (\$1.1 billion) and Federal Aviation Administration Facilities and Equipment (\$200 million)

- Environmental Infrastructure: \$5.26 billion including Clean Water State Revolving Fund loans and grants (\$4 billion), Superfund cleanups (\$600 million), Brownfields grants (\$100 million), Watershed and Flood Prevention Operations (\$290 million), Watershed Rehabilitation Program (\$50 million), and International Boundary and Water Commission (\$220 million)
- U.S. Army Corps of Engineers: \$4.6 billion including Construction (\$2 billion), Operation and Maintenance (\$2.075 billion), Mississippi Rivers and Tributaries (\$375 million), Formerly Utilized Sites Remedial Action Program (\$100 million), Investigations (\$25 million), and Regulatory Program (\$25 million)
- Federal Buildings: \$5.575 billion including High-Performance Green Federal buildings (\$4.5 billion), repair, alteration, and construction of Federal buildings and courthouses (\$750 million) and border stations and land ports of entry (\$300 million), and Smithsonian Institution (\$25 million)
- Economic Development Administration: \$150 million including Economic Adjustment grants (\$50 million) and Regional Economic Development Commissions (up to \$50 million)
- Emergency Management: \$210 million including Firefighter Assistance grants to construct non-Federal fire stations (\$210 million)
- Coast Guard: \$240 million including Bridge Alterations (\$142 million) and construction of shore facilities and aid-to-navigation facilities and repair of vessels (\$98 million)
- Maritime Administration: \$100 million including Small Shipyard grants (\$100 million)

- For transit formula grants, 50 percent of state of apportionment and all funds must be obligated within one year (March 2, 2010) of the date of apportionment and all funds must be obligated within one year (March 5, 2010) of the date of apportionment and all funds must be obligated within one year (March 5, 2010) of the date of apportionment.
- The Recovery Act creates green collar jobs and invests in projects that decrease our dependence on foreign oil and address global climate change. It provides \$4.5 billion for High-Performance Green Federal buildings to fund projects that incorporate energy and water conservation elements, such as installing photovoltaic roofs and geothermal technology. In addition, the Recovery Act provides a significant investment in public transit, high-speed rail, intercity rail, and Amtrak projects to provide alternatives to traveling by car, and help public transit and intercity passenger rail providers increase the percentage of their fleets that are alternative fuel vehicles. Finally, the Recovery Act directs that 20 percent of each state's Clean Water State Revolving Fund allotment be used for investments in energy and water efficient techniques and technologies (i.e., green infrastructure).
- The Recovery Act requires the steel, iron, and manufactured goods for these projects to be produced in the United States.²
- > The Recovery Act creates family-wage construction and manufacturing jobs.3
- The Recovery Act requires the Governor of each State to certify that:
 - the State will request and use funds provided by the Recovery Act and the funds will be used to create jobs and promote economic growth;⁴
 - the State will maintain its effort with regard to State funding for transportation projects;⁵ and

¹ American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, § 1602 (2009).

² Id. § 1605.

³ Id. § 1606. The Recovery Act requires all laborers and mechanics employed by contractors on projects funded by this Act to be paid prevailing wages. Id.

⁴ Id. § 1607. The Governor shall make this certification within 45 days (April 3, 2009) of the date of enactment. If the Governor does not make such certification, the State legislature may accept the funds. Id.

- the Governor accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars.6
- A Finally, the Recovery Act ensures transparency and accountability by including regular reporting requirements to track the use of the funds, State investments, and the estimated number of jobs created or sustained. This information will be publicly available through Recovery.gov. Pursuant to section 1512 of the Act, States and other direct grant recipients will provide quarterly reports (beginning July 10, 2009) to the Federal agency that provided the funds on the total amount of recovery funds received; the amount of such funds that were expended or obligated; a detailed list of all projects or activities for which recovery funds were expended or obligated, including the name and description of the project, an evaluation of the completion status of the project, and an estimate of the number of jobs created or sustained by the project; and, for infrastructure investments made by State and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment. Each Federal agency receiving these quarterly reports will make the information publicly available by posting the information on a website.⁷
- Section 1201 of the Recovery Act requires additional reporting requirements for funds administered by the U.S. Department of Transportation. Under this provision, each State and other grant recipient shall submit periodic reports to the U.S. Department of Transportation on the use of Recovery Act funds provided for highway, public transit, rail, surface transportation, airport, and maritime programs. The States and other grant recipients will report:
 - the amount of Federal funds obligated and outlayed;
 - the number of projects that have been put out to bid, and the amount of Federal funds associated with such projects;
 - the number of projects for which contracts have been awarded, and the amount of Federal funds associated with such projects;
 - the number of projects for which work has begun under such contracts and the amount of Federal funds associated with such contracts;
 - the number of projects for which work has been completed under such contracts and the amount of Federal funds associated with such contracts;

⁵ Id. § 1201. The certification shall include a statement identifying the amount of funds the State planned to expend from State sources as of the date of enactment during the period from the date of enactment through September 30, 2010. Id.

⁶ Id. § 1201. The certification shall include a description of the investment, the estimated total cost, and the amount of covered funds to be used, and shall be posted on a website and linked to the Recovery.gov website. Id. ⁷ *Id.* § 1512.

Information tracking the actual aggregate expenditures by each grant recipient from State sources for projects eligible for funding under the program during the period from the date of enactment through September 30, 2010, compared to the level of expenditures that were planned to occur during such period as of the date of enactment.

The first periodic report is due not later than 90 days (May 18, 2009) after the date of enactment, and subsequent reports are due not later than 180 days (August 16, 2009), one year (February 17, 2010), two years (February 17, 2011), and three years (February 17, 2012) after the date of enactment of the Recovery Act.⁸

READY-TO-GO INFRASTRUCTURE INVESTMENTS

- While certain infrastructure projects may require years of engineering and environmental analysis, followed by a lengthy contract award process, a subset of projects such as projects involving rehabilitation and repair of existing infrastructure can move much more quickly, with work beginning within 90 to 120 days.⁹
- The Recovery Act requires recovery funds to be invested in ready-to-go projects. Priority will be given to projects that can be started and completed quickly. For instance, State Departments of Transportation (DOTs) have a tremendous backlog of highway resurfacing needs. State DOTs often have open-ended contracts in place for resurfacing projects, which means that work could begin immediately upon receipt of additional funds. Similarly, many State DOTs have bridge deck overlay projects, in which the top two or three inches of concrete on the surface of the bridge (e.g., the deck) is replaced, which are ready-to-go.
- Even before the U.S. Department of Transportation apportioned formula funds to States, cities, and public transit agencies, State DOTs put out bids (typically for a period of 30 days) for ready-to-go projects. After receipt of the bids and contract award, work can begin on the project within an additional 30 days. In this way, the Recovery Act can "put shovels in the ground" within 90 to 120 days of the date of enactment.

⁸ Id. § 1201.

⁹ The Federal Highway Administration's "August redistribution" of highway funds illustrates the ability of States to obligate additional funds quickly when they become available. In August of each year, States that cannot use their entire obligation authority return the unused authority to the Federal Highway Administration, which then redistributes it to States that can use the funds prior to the end of the fiscal year on September 30.

10 See id. § 1602.

ECONOMIC IMPACT:

MORE THAN 1.8 MILLION JOBS AND \$323 BILLION OF ECONOMIC ACTIVITY

- The \$64.1 billion of Federal infrastructure investment will create or sustain more than 1.8 million jobs and \$323 billion of economic activity. Each \$1 billion of Federal funds invested in infrastructure creates or sustains approximately 34,779 jobs and \$6.2 billion in economic activity.¹¹
- A national survey found that transportation construction contractors hire employees within three weeks of obtaining a project contract. These employees begin receiving paychecks within two weeks of hiring.
- In addition, this infrastructure investment will increase business productivity by reducing the costs of producing goods in virtually all industrial sectors of the economy. Increased productivity results in increased demand for labor, capital, and raw materials and generally leads to lower product prices and increased sales.
- The proposed investment will specifically help unemployed construction workers. The construction sector has lost 1,175,000 jobs since the recession began in December 2007. The unemployment rate in construction was 18.7 percent in April 2009 up 7.6 points since April 2008. This is the highest unemployment rate of any industrial sector. As of April 2009, there are 1,737,000 unemployed construction workers in the nation that's 680,000 more unemployed construction workers than in April 2008, and 884,000 more than in April 2007. Within the overall construction sector, heavy and civil engineering construction employment is now the lowest it has been since September 2004.
- In contrast to the economic stimulus effect from tax cuts, virtually all of the stimulus effect from public infrastructure investment will be felt in the United States. Not only would the construction work be done here, but most transportation construction materials and equipment are manufactured in the United States, as well.¹²

¹¹ These estimates are based on 2007 Federal Highway Administration (FHWA) data on the correlation between highway infrastructure investment and employment and economic activity, and assume a 20 percent state or local matching share of project costs. Some infrastructure programs have slightly higher or lower estimates of the number of jobs created or the economic activity generated per \$1 billion of Federal funds invested. To enable easy comparisons among the elements of the bill, this document presumes the FHWA model for employment and economic activity. In the overwhelming majority of cases, the requirement for State or local matching funds would be waived under this proposal. Where appropriate, estimates of employment and economic activity have been adjusted to reflect these match waivers. ¹² Previous experience with using public infrastructure investment to stimulate the economy can be found with the Public Works Acceleration Act (P.L. 87-658), signed by President Kennedy on September 14, 1962. Under this program, a total investment of \$1.8 billion (\$880 million Federal investment and \$920 million in local investment) generated 250,000 job-years. See Public Works Acceleration Act, 42 U.S.C. § 2641 (1962).

MINORITY-OWNED AND WOMEN-OWNED BUSINESS IMPACT:

- This investment will also help address the disproportionate effect that the increase in unemployment has had on people of color. In April 2009, the rate of unemployment for African Americans was 15 percent – 87.5 percent higher than the rate for whites. The unemployment rate for Hispanic or Latino Americans was 11.3 percent, 41 percent more than the rate for whites.
- Congress has established a national 10 percent aspirational program goal for firms certified as Disadvantaged Business Enterprises ("DBEs"), including minority- and women-owned businesses, with respect to highway, transit, aviation, and other infrastructure programs. As a general rule, States, cities, and infrastructure financing authorities are required to establish an annual DBE participation goal that reflects what DBE participation would be in the absence of discrimination. The DBE program applies to all Recovery Act transportation and infrastructure programs.

HIGHWAYS AND BRIDGES - \$27.5 BILLION

Recovery Act:

- 1. Provides \$26.66 billion in funding for Federal-Aid Highway formula investments.
- 2. Provides \$150 million for Puerto Rico and Territorial Highway Programs.
- 3. Provides \$550 million for roads on Federal and Indian lands, including \$170 million for National Park Roads, \$310 million for Indian Reservation Roads, \$60 million for Forest Roads, and \$10 million for Refuge Roads.
- 4. Provides \$60 million for competitive discretionary Ferry Boat capital grants to States.
- 5. Provides \$20 million for On-the-Job Training.
- 6. Provides \$20 million for Disadvantaged Business Enterprise bonding assistance.

<u>Distribution</u>: Distributes Federal-Aid Highway funds through a hybrid formula to States (50 percent through Surface Transportation Program formula and 50 percent apportioned via the FY 2008 obligation limitation ratio distribution). States must sub-allocate 30 percent of funds to local governments. Distributes National Park, Indian Reservation, Forest, and Refuge Road funds pursuant to existing administrative processes. Of all the funds provided to a State, three percent must be used for transportation enhancements. Formula funds must be apportioned by the Federal Highway Administration (FHWA) within 21 days (March 10, 2009) of the date of enactment.

<u>Additional Uses of Funds</u>: Expands uses to include stormwater runoff, passenger and freight rail, and port infrastructure projects.

Prioritization: Prioritizes funds on projects that could be completed in three years (February 17, 2012) and are in economically distressed areas of the State, except that, for Ferry Boat projects, priority shall be given to projects that can be completed within two years (February 17, 2011) of enactment.

Shovel-Ready Deadlines: Requires 50 percent of the funds apportioned to the States to be obligated within 120 days (June 30, 2009) after the date of apportionment. Funds not obligated in accordance with this requirement will be withdrawn and redistributed to other States that had no funds withdrawn. Funds suballocated to local governments are not subject to the 120-day redistribution. One hundred percent of funds must be obligated within one-year (March 2, 2010) of apportionment. Funds not obligated as of this date will be withdrawn and redistributed to other States that had no funds withdrawn. The Secretary of Transportation has authority to provide an extension of the one-year period if a State is experiencing extreme conditions.

Transparency and Accountability Requirements: Grant recipients must submit periodic reports to FHWA on the use of Recovery Act funds no later than 90 days (May 18, 2009), 180 days (August 16, 2009), one year (February 17, 2010), two years (February 17, 2011), and three years (February 17, 2012) after the date of enactment of the Recovery Act. These reports will be collected and compiled by FHWA and transmitted to Congress. These reports include the amount of Recovery Act funds appropriated, allocated, obligated, and outlayed, the number of projects that have been put out to bid and awarded, where work has begun and been completed, and the amount of Recovery Act funds associated with such projects, job creation statistics, and maintenance of effort data. 13

Each recipient that received Recovery Act funds from a Federal agency must also submit a quarterly report to that agency no later than 10 days (beginning July 10, 2009) after the end of each calendar quarter. Each agency shall make such information publicly available by posting the information on a website no later than 30 days (beginning July 30, 2009) after the end of each calendar quarter. These reports include the amount of Recovery Act funds received, expended, and obligated, a detailed list of all projects for which Recovery Act funds were expended or obligated, and detailed information on any subcontracts or subgrants awarded by the recipient.¹⁴

<u>Recovery Act Implementation</u>: On March 2, 2009, eight days earlier than what the Recovery Act requires, FHWA issued Federal-aid Highway formula apportionments to States. These apportionments are summarized in the attached tables, and are also available on FHWA's website: http://www.fhwa.dot.gov/legsregs/directives/notices/n4510705t1.htm.

Of the funds provided for the highway formula program, in the past 11 weeks, 52 States and Territories and the District of Columbia have submitted and received approval for 3,305 projects totaling \$11.3 billion, approximately 42 percent of the Recovery Act highway formula funds. On May 7, 2009, FHWA passed the \$10 billion mark in Recovery Act obligations with a \$3.4 million pavement improvement project in Clinton County, Ohio.

Highway construction is underway all across the country, including the following projects:

- Silver Spring, Maryland: a project to resurface and improve safety along a 1.1-mile section of New Hampshire Avenue (\$2.1 million);
- Gibson County, Tennessee: a project to replace three 40-year old wooden bridges (\$924,000); and
- Richmond, Vermont: a project to rehabilitate a bridge over the Winooski River (\$1.7 million).

In addition to the formula programs, FHWA has moved ahead with discretionary programs funded by the Recovery Act:

On March 30, 2009, FHWA issued a solicitation for the Ferry Boat capital grants program (grant requests for new projects were due May 15, 2009);

¹³ American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, § 1201 (2009).

¹⁴ Id. § 1512.

- On April 2, 2009, FHWA allocated the remainder of Refuge Road funds for repairing Fish and Wildlife Service roads;
- On April 6, 2009, FHWA allocated \$72.3 million in funds to repair and rehabilitate roads and bridges in National Parks;
- On April 13, 2009, FHWA awarded the first Recovery Act Forest Highway Project (\$1.06 million project in Medicine Bow National Forest, Wyoming);
- On April 22, 2009, FHWA allocated \$150 million to the Bureau of Indian Affairs for improving roads and bridges within and providing access to Tribal lands, and \$24 million to the Federal Lands Highway Division field offices for repairing National Park Service roads and bridges;
- On April 24, 2009, FHWA allocated \$17 million to the National Parks Service for pavement preservation projects; and
- On May 7, 2009, FHWA allocated \$257,500 to Federal Lands Highway Division field offices for repairing National Park Service roads and bridges.

FHWA took many steps to ensure consistency and timeliness in reporting and implementation required by the Recovery Act. The agency issued reporting guidance to States as well as hosted an implementation webcast for local agencies that more than 400 people attended. FHWA staff met with the White House Implementation Workgroup for Indian Tribes and the Bureau of Indian Affairs to develop an oversight plan for Recovery Act funds for the Indian Reservation Roads program. On April 13, 2009, FHWA also finalized its risk management plans for implementation and oversight of Recovery Act projects and funding.

The Recovery Act requires Governors, mayors, or chief executive officers to make specific certifications. On April 22, 2009, the Secretary of Transportation sent letters to the Governors of the States, Territories, and District of Columbia, regarding their section 1201 Maintenance of Effort certifications. The letters stated that the Recovery Act does not authorize the use of conditional or qualified certifications. Governors have until May 22, 2009, to amend their certifications, as needed. DOT established a website where the agency posts submitted certifications, by state: http://testimony.ost.dot.gov/ARRAcerts/.

Economic Impact: Creates more than 765,000 jobs and \$136 billion of economic activity.

TRANSIT - \$8.4 BILLION

TRANSIT URBAN AND RURAL FORMULA GRANTS - \$6.8 BILLION

Recovery Act: Provides \$6.8 billion in transit capital and operating grants for ready-to-go projects, including \$5.44 billion using the current transit urban formula, \$680 million using the current transit rural formula, and an additional \$680 million to both urban and rural areas using the current Growing States and High Density States formula.

<u>Distribution</u>: Distributes transit urban and rural formula funds to States, cities, and public transit agencies pursuant to existing statutory transit formulas under 49 U.S.C. § 5307, 49 U.S.C. § 5311 and 49 U.S.C. § 5340.

<u>Prioritization</u>: Formula funds must be apportioned by FTA within 21 days (March 10, 2009) of enactment.

Shovel-Ready Deadlines: Requires States, cities, and public transit agencies to obligate at least \$3.4 billion (50 percent) of these funds within 180 days (September 1, 2009) of the date of apportionment. Funds not obligated in accordance with this requirement will be withdrawn and redistributed to other urbanized areas or States that had no funds withdrawn. One hundred percent of funds must be obligated within one-year (March 5, 2010) of apportionment. Funds not obligated as of this date will be withdrawn and redistributed to other urbanized areas or states that had no funds withdrawn. The Secretary of Transportation has authority to provide an extension of the one-year period if a State or urbanized area has encountered an unworkable bidding environment or other extenuating circumstances.

Transparency and Accountability Requirements: Grant recipients must submit periodic reports to FTA on the use of Recovery Act funds no later than 90 days (May 18, 2009), 180 days (August 16, 2009), one year (February 17, 2010), two years (February 17, 2011), and three years (February 17, 2012) after the date of enactment of the Recovery Act. These reports will be collected and compiled by FTA and transmitted to Congress. These reports include the amount of Recovery Act funds appropriated, allocated, obligated, and outlayed, the number of projects that have been put out to bid and awarded, where work has begun and been completed, and the amount of Recovery Act funds associated with such projects, job creation statistics, and maintenance of effort data. 15

Each recipient that received Recovery Act funds from a Federal agency must also submit a quarterly report to that agency no later than 10 days (beginning July 10, 2009) after the end of each calendar quarter. Each agency shall make such information publicly available by posting the information on a website no later than 30 days (beginning July 30, 2009) after the end of each calendar quarter. These reports include the amount of Recovery Act funds received, expended, and obligated, a detailed list

¹⁵ *Id.* § 1201.

of all projects for which Recovery Act funds were expended or obligated, and detailed information on any subcontracts or subgrants awarded by the recipient.¹⁶

Recovery Act Implementation: The Recovery Act provides \$6.8 billion in transit capital grants for ready-to-go projects, including \$5.44 billion distributed by the current transit urban formula, \$680 million distributed by the current transit rural formula, and an additional \$680 million for both urban and rural areas distributed by the growing states and high density states formula.

Of the \$6.8 billion apportioned on March 5, 2009, for the Transit Capital Assistance program, \$62 million for 10 projects in seven States has been awarded by FTA, including three grants in rural areas of Kentucky, Missouri, and Maine:

- Kentucky: Purchase of 206 vehicles including trolleys, buses, and vans;
- Maine: Construction of a new passenger ferry; and
- Missouri: Purchase of approximately 319 vehicles including modified vans, minivans, and minibuses.

These apportionments are summarized in the attached tables, and are also available on FTA's website: http://www.fta.dot.gov/about_FTA_9289.html. Please note that FTA's table aggregates the Transit Capital and Fixed Guideway programs.

As of May 15, 2009, FTA had 61 grants pending clearance by the Office of the Secretary of Transportation (totaling \$642 million).

On March 23, 2009, FTA published the \$17 million Tribal Transit Program notice in the Federal Register. FTA has also reached out to transit agencies to ensure accuracy and consistency in reporting and implementation by issuing guidance regarding applying for grants and reporting activities. In March, FTA held a seminar on the Recovery Act at the American Public Transportation Association Legislative Meeting. In April, FTA participated in a webinar to provide transit agencies with up-to-date Recovery Act information. The agency also worked to finalize its risk management plan to ensure effective and efficient use of transit-related Recovery Act funds. FTA recently hosted a workshop titled "A Vision for Recovery: CFO Workshop on the State of the Economy", to provide public sector managers with ideas about overcoming the current economic downturn.

Economic Impact: Creates more than 189,000 jobs and \$34 billion of economic activity.

¹⁶ *Id.* § 1512.

TRANSIT GREENHOUSE GAS AND ENERGY REDUCTION FUNDING - \$100 MILLION

<u>Recovery Act</u>: Provides \$100 million of discretionary transit capital grants to public transit agencies to reduce energy consumption or greenhouse gas emissions of their public transportation systems.

Distribution: Distributes transit energy funds to public transit agencies as discretionary grants.

<u>Prioritization</u>: Prioritizes funds for projects based on the total energy savings that are projected to result from the investment, and projected energy savings as a percentage of the total energy usage of the public transit agency.

Shovel-Ready Deadlines: Requires public transit agencies to obligate at least 50 percent of these funds within 180 days (September 1, 2009) of the date of allocation. Requires public transit agencies to obligate all of the funds within one year (March 5, 2009) of the date of allocation. The Secretary of Transportation may provide an extension of time if a city or State has encountered an unworkable bidding environment or other extenuating circumstances.

Transparency and Accountability Requirements: Grant recipients must submit periodic reports to FTA on the use of Recovery Act funds no later than 90 days (May 18, 2009), 180 days (August 16, 2009), one year (February 17, 2010), two years (February 17, 2011), and three years (February 17, 2012) after the date of enactment of the Recovery Act. These reports will be collected and compiled by FTA and transmitted to Congress. These reports include the amount of Recovery Act funds appropriated, allocated, obligated, and outlayed, the number of projects that have been put out to bid and have been awarded, where work has begun and been completed, and the amount of Recovery Act funds associated with such projects, job creation statistics, and maintenance of effort data.¹⁷

Each recipient that received Recovery Act funds from a Federal agency must also submit a quarterly report to that agency no later than 10 days (beginning July 10, 2009) after the end of each calendar quarter. Each agency shall make such information publicly available by posting the information on a website no later than 30 days (beginning July 30, 2009) after the end of each calendar quarter. These reports include the amount of Recovery Act funds received, expended, and obligated, a detailed list of all projects for which Recovery Act funds were expended or obligated, and detailed information on any subcontracts or subgrants awarded by the recipient.¹⁸

<u>Recovery Act Implementation</u>: On March 24, 2009, FTA issued notice in the Federal Register soliciting proposals for the Greenhouse Gas and Energy Reduction program. Proposals are due by May 22, 2009.

¹⁷ Id. § 1201.

¹⁸ Id. § 1512.

On April 8, 2009, FTA hosted a webinar for approximately 250 potential applicants to this program.

Economic Impact: Creates approximately 2,800 jobs and \$500 million of economic activity.

FIXED GUIDEWAY INFRASTRUCTURE INVESTMENT - \$750 MILLION

Recovery Act: Provides \$750 million for transit fixed guideway modernization projects.

<u>Distribution</u>: Distributes funds through the existing fixed guideway modernization formula.

<u>Prioritization</u>: Formula funds must be apportioned by FTA within 21 days (March 10, 2009) of enactment.

<u>Shovel-Ready Deadlines</u>: Requires public transit agencies to obligate at least \$375 million (50 percent) of these funds within 180 days (September 1, 2009) of the date of apportionment. Requires public transit agencies to obligate all of the funding within one year (March 5, 2010) of the date of apportionment. The Secretary of Transportation may provide an extension of time if a city or State has encountered an unworkable bidding environment or other extenuating circumstances.

Transparency and Accountability Requirements: Grant recipients must submit periodic reports to FTA on the use of Recovery Act funds no later than 90 days (May 18, 2009), 180 days (August 16, 2009), one year (February 17, 2010), two years (February 17, 2011), and three years (February 17, 2012) after the date of enactment of the Recovery Act. These reports will be collected and compiled by FTA and transmitted to Congress. These reports include the amount of Recovery Act funds appropriated, allocated, obligated, and outlayed, the number of projects that have been put out to bid and have been awarded, where work has begun and been completed, and the amount of Recovery Act funds associated with such projects, job creation statistics, and maintenance of effort data. ¹⁹

Each recipient that received Recovery Act funds from a Federal agency must also submit a quarterly report to that agency no later than 10 days (beginning July 10, 2009) after the end of each calendar quarter. Each agency shall make such information publicly available by posting the information on a website no later than 30 days (beginning July 30, 2009) after the end of each calendar quarter. These reports include the amount of Recovery Act funds received, expended, and obligated, a detailed list of all projects for which Recovery Act funds were expended or obligated, and detailed information on any subcontracts or subgrants awarded by the recipient.²⁰

¹⁹ Id. § 1201.

²⁰ Id. § 1512.

Recovery Act Implementation: On March 5, 2009, FTA announced the allocation of these formula funds. These apportionments are summarized in the attached tables, and are also available on FTA's website: http://www.fta.dot.gov/about FTA 9289.html. Please note that FTA's table aggregates the Transit Capital and Fixed Guideway programs.

As of May 15, 2009, FTA had obligated one grant worth \$8 million for a traction power substation in Los Angeles, California.

Economic Impact: Creates approximately 20,900 jobs and \$3.7 billion of economic activity.

TRANSIT NEW STARTS CONSTRUCTION - \$750 MILLION

Recovery Act: Provides \$750 million in transit capital grants for New Starts construction projects.

<u>Distribution</u>: Distributes New Starts project construction funds to public transit agencies pursuant to existing authority under SAFETEA-LU, FTA Full Funding Grant Agreements, and FTA Project Construction Grant Agreements. FTA would determine the distribution of funds through its existing competitive process.

<u>Prioritization</u>: Prioritizes funds on projects that are currently in construction or are able to obligate funds within 150 days (July 16, 2009) of enactment.

Shovel-Ready Deadlines: FTA must obligate 100 percent of the funds by September 30, 2010.

Transparency and Accountability Requirements: Grant recipients must submit periodic reports to FTA on the use of Recovery Act funds no later than 90 days (May 18, 2009), 180 days (August 16, 2009), one year (February 17, 2010), two years (February 17, 2011), and three years (February 17, 2012) after the date of enactment of the Recovery Act. These reports will be collected and compiled by FTA and transmitted to Congress. These reports include the amount of Recovery Act funds appropriated, allocated, obligated, and outlayed, the number of projects that have been put out to bid and have been awarded, where work has begun and been completed, and the amount of Recovery Act funds associated with such projects, job creation statistics, and maintenance of effort data.²¹

Each recipient that received Recovery Act funds from a Federal agency must also submit a quarterly report to that agency no later than 10 days (beginning July 10, 2009) after the end of each calendar quarter. Each agency shall make such information publicly available by posting the information on a

²¹ Id. § 1201.

website no later than 30 days (beginning July 30, 2009) after the end of each calendar quarter. These reports include the amount of Recovery Act funds received, expended, and obligated, a detailed list of all projects for which Recovery Act funds were expended or obligated, and detailed information on any subcontracts or subgrants awarded by the recipient.²²

Recovery Act Implementation: On May 11, 2009, FTA issued New Starts grants for projects in the following states: Arizona, California, Colorado, New York, Oregon, Texas, Utah, Virginia, and Washington.

State	Urban Area	Project	Funding
Arizona	Phoenix	Central/Phoenix East Valley Light Rail	\$36,000,000
California	Los Angeles	Metro Gold Line	\$66,740,000
	8	Eastside Extension	,,,
Colorado	Denver	West Corridor Light	\$40,000,000
		Rail Transit	
New York	New York	Long Island Rail Road	\$195,410,000
		East Side Access	
New York	New York	Second Avenue	\$78,870,000
		Subway Phase I	
Oregon	Portland	South Corridor I-	\$32,000,000
		205/Portland Mall	
		LRT	
Oregon	Springfield	Pioneer Parkway EmX	\$2,940,000
		BRT	
Texas	Dallas	Northwest/Southeast	\$78,390,000
		Light Rail Transit	
		Minimum Operable	
		Segment	
Utah	Salt Lake City	Mid Jordan Light Rail	\$90,890,000
		Transit	
Virginia	Northern Virginia	Dulles Corridor	\$77,260,000
		Metrorail – Extension	
		to Wiehle Avenue	
Washington	Seattle	University Link Light	\$44,000,000
- 400		Rail Transit Extension	1971 - 1754 - 1877
Total			\$742,500,000

Economic Impact: Create more than 50,000 jobs and \$9 billion of economic activity. Furthermore, the additional \$750 million of New Starts funding will make available an additional \$1.5 billion of contingent commitment authority to enable FTA to sign additional New Starts funding agreements for future transit construction projects.

²² Id. § 1512.

RAIL - \$9.3 BILLION

Recovery Act:

- 1. Provides \$1.3 billion for capital grants to Amtrak, of which \$450 million shall be used by Amtrak for safety and security improvements.
- 2. Provides \$8 billion for high-speed rail, intercity passenger rail, and congestion capital grants to States.

<u>Distribution</u>: Distributes \$1.3 billion of capital grants to Amtrak; distributes \$8 billion of high-speed rail, intercity passenger rail, and congestion grants to States on a competitive basis to pay for the cost of capital projects, as provided for in section 501 of the Passenger Rail Investment and Improvement Act of 2008 (Division B of P.L. 110-432) and chapter 244 of Title 49, United States Code.

<u>Prioritization</u>: For capital grants to Amtrak, priority shall be given to projects for the repair, rehabilitation, or upgrade of railroad assets or infrastructure, and for capital projects that expand passenger rail capacity, including the rehabilitation of rolling stock. For high-speed rail, intercity passenger rail, and congestion grants, priority shall be given to projects that support the development of high-speed rail service.

Shovel-Ready Deadlines: For capital grants to Amtrak, the Secretary shall ensure that projects funded with economic recovery funds provided to Amtrak shall be completed within two years (February 17, 2011) of enactment. 100 percent of the funds must be obligated by September 30, 2010. For high-speed rail, intercity passenger rail, and congestion grants, 100 percent of the funds must be obligated by September 30, 2012.

Transparency and Accountability Requirements: Grant recipients must submit periodic reports to the Federal Railroad Administration (FRA) on the use of Recovery Act funds no later than 90 days (May 18, 2009), 180 days (August 16, 2009), one year (February 17, 2010), two years (February 17, 2011), and three years (February 17, 2012) after the date of enactment of the Recovery Act. These reports will be collected and compiled by FRA and transmitted to Congress. These reports include the amount of Recovery Act funds appropriated, allocated, obligated, and outlayed, the number of projects that have been put out to bid and have been awarded, where work has begun and been completed, and the amount of Recovery Act funds associated with such projects, job creation statistics, and maintenance of effort data.²³

Each recipient that received Recovery Act funds from a Federal agency must also submit a quarterly report to that agency no later than 10 days (beginning July 10, 2009) after the end of each calendar quarter. Each agency shall make such information publicly available by posting the information on a website no later than 30 days (beginning July 30, 2009) after the end of each calendar quarter. These

²³ Id. § 1201.

reports include the amount of Recovery Act funds received, expended, and obligated, a detailed list of all projects for which Recovery Act funds were expended or obligated, and detailed information on any subcontracts or subgrants awarded by the recipient.²⁴

Recovery Act Implementation: On March 19, 2009, FRA executed a grant agreement with Amtrak for \$1.3 billion. Since then, Amtrak has approved 674 projects totaling more than \$1.27 billion. These projects include:

- a project to replace a moveable bridge over the Niantic River in Connecticut (\$100 million);
- a project to rehabilitate 68 passenger cars (\$82 million); and
- a project to repair the approximately 80-year-old Lamokin frequency converters in Pennsylvania, which form a key element of the Northeast Corridor's power supply system (\$60 million).

On April 23, 2009, FRA provided its first disbursement under the Recovery Act to Amtrak in the amount of \$23 million. As of May 11, 2009, FRA had approved eight Amtrak Recovery Act projects totaling \$38 million, including improving stations and upgrading electrical traction systems on the Northeast Corridor. For a list of other Amtrak projects to be funded by the Recovery Act, see: http://www.fra.dot.gov/us/press-releases/243.

Besides working with Amtrak to expand rail capacity and upgrade rail infrastructure, FRA received Amtrak's preliminary list of security projects funded by the Recovery Act. On April 9, 2009, FRA met with the Department of Homeland Security to establish a process to ensure consistent intraagency procedures governing grants to fund Amtrak security projects.

FRA also selected a program management support contractor for the \$8 billion high-speed rail and intercity passenger rail grant programs. The contractor has begun work and FRA will continue to develop a strategic plan for high-speed rail. On April 6, 2009, FRA met with representatives of the Class I freight railroads and the Association of American Railroads to discuss partnership issues surrounding high-speed rail and intercity passenger rail grant programs. Finally, on April 16, 2009, FRA announced the strategic plan for high speed rail. Currently, FRA is planning a series of regional outreach meetings to solicit stakeholder and public input into the development of guidance for this program.

To view a national map showing the designated high-speed rail corridors, see: http://transportation.house.gov/Media/file/Full%20Committee/Stimulus/Designated%20HSR%20Corridors%20at%20101905b%20(2).pdf.

To view descriptions of designated high-speed rail corridors, see: http://transportation.house.gov/Media/file/Full%20Committee/Stimulus/High%20Speed%20Rail%20Corridor%20Descriptions.pdf.

Economic Impact: Creates approximately 259,000 jobs and \$46 billion of economic activity.

²⁴ Id. § 1512.

NATIONAL SURFACE TRANSPORTATION SYSTEM DISCRETIONARY GRANTS - \$1.5 BILLION

The Recovery Act: Provides \$1.5 billion to the Secretary of Transportation to make competitive discretionary grants for surface transportation projects that will have a significant impact on the Nation, a metropolitan area, or a region. Projects eligible for funding under this program include highway or bridge projects eligible under title 23, U.S.C.; public transportation projects eligible under chapter 53 of title 49, U.S.C., including investments in projects participating in the New Starts or Small Starts programs that will expedite the completion of those projects; passenger and freight rail transportation projects; and port infrastructure investments, including projects that connect ports to other modes of transportation and improve the efficiency of freight movement. The Secretary may use up to \$200 million of the \$1.5 billion to provide credit assistance to projects under the Transportation Infrastructure Finance and Innovation Act ("TIFIA") program.

<u>Distribution</u>: The Secretary of Transportation shall award discretionary grants to State and local governments or transit agencies based on project selection criteria to be published not later than 90 days (May 18, 2009) after the date of enactment. A grant funded under this program shall be not less than \$20 million and not more than \$300 million, although the Secretary may waive the minimum grant size for the purpose of funding significant projects in smaller cities, regions, or States. Not more than 20 percent of the funds under this program may be awarded to projects in a single State. The Secretary shall ensure an equitable geographic distribution of funds and an appropriate balance in addressing the needs of urban and rural communities.

<u>Prioritization</u>: Prioritizes funds on projects that require a contribution of Federal funds in order to complete an overall financing package, and to projects that are expected to be completed within three years (February 17, 2012) of the date of enactment.

Shovel-Ready Deadlines: Grant applications must be submitted not later than 180 days (November 14, 2009) after the publication of project selection criteria. The Secretary shall announce all projects selected for funding not later than one year (February 17, 2010) after the date of enactment.

Transparency and Accountability Requirements: Grant recipients must submit periodic reports to the Office of the Secretary of Transportation (OST) on the use of Recovery Act funds no later than 90 days (May 18, 2009), 180 days (August 16, 2009), one year (February 17, 2010), two years (February 17, 2011), and three years (February 17, 2012) after the date of enactment of the Recovery Act. These reports will be collected and compiled by OST and transmitted to Congress. These reports include the amount of Recovery Act funds appropriated, allocated, obligated, and outlayed, the number of projects that have been put out to bid and have been awarded, where work has begun and been completed, and the amount of Recovery Act funds associated with such projects, job creation statistics, and maintenance of effort data.²⁵

²⁵ Id. § 1201.

Each recipient that received Recovery Act funds from a Federal agency must also submit a quarterly report to that agency no later than 10 days (beginning July 10, 2009) after the end of each calendar quarter. Each agency shall make such information publicly available by posting the information on a website no later than 30 days (beginning July 30, 2009) after the end of each calendar quarter. These reports include the amount of Recovery Act funds received, expended, and obligated, a detailed list of all projects for which Recovery Act funds were expended or obligated, and detailed information on any subcontracts or subgrants awarded by the recipient.²⁶

<u>Recovery Act Implementation</u>: On May 18, 2009, the Department of Transportation published a notice of funding availability and solicitation of applications from applicants seeking Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grants. Applications are due by September 15, 2009.

Eligible projects include "capital investments in: (1) highway or bridge projects; (2) public transportation projects; (3) passenger and freight rail transportation projects; and (4) port infrastructure investments, including projects that connect ports to other modes of transportation and improve the efficiency of freight movement." Selection criteria include contributing to the medium- to long-term economic competitiveness of the nation and improving the condition of existing transportation facilities and systems, the quality of living and working environments through livable communities, energy efficiency and reducing greenhouse gas emissions, and the safety of U.S. transportation facilities. The Department plans to give priority to projects that are expected to quickly create and preserve jobs and stimulate rapid increases in economic activity, particularly projects that will benefit economically distressed areas.

State and local governments, including Territories, tribal governments, transit agencies, port authorities, and other political divisions of State or local governments, and multi-State or multi-jurisdictional applicants are eligible to apply.

Economic Impact: Creates more than 41,000 jobs and \$7 billion of economic activity.

²⁶ Id. § 1512.

AVIATION - \$1.3 BILLION

AIRPORT IMPROVEMENT PROGRAM - \$1.1 BILLION

Recovery Act: Provides \$1.1 billion for airport capital improvements through the Airport Improvement Program (AIP).

<u>Distribution</u>: Distributes funds to airports through the existing AIP Discretionary Grants program. The FAA will determine the distribution of funds through its existing competitive process and national priority system.

<u>Prioritization</u>: Prioritizes funds on projects that can be completed within two years (February 17, 2011) of enactment, and serve to supplement and not supplant planned expenditures from airport-generated revenues or from other State and local funding sources.

Shovel-Ready Deadlines: The Secretary shall award grants totaling not less than 50 percent of the \$1.1 billion within 120 days (June 17, 2009) of the date of enactment, and award grants for the remaining amounts not later than one year (February 17, 2010) after the date of enactment.

Transparency and Accountability Requirements: Grant recipients must submit periodic reports to the FAA on the use of Recovery Act funds no later than 90 days (May 18, 2009), 180 days (August 16, 2009), one year (February 17, 2010), two years (February 17, 2011), and three years (February 17, 2012) after the date of enactment of the Recovery Act. These reports will be collected and compiled by the FAA and transmitted to Congress. These reports include the amount of Recovery Act funds appropriated, allocated, obligated, and outlayed, the number of projects that have been put out to bid and have been awarded, where work has begun and been completed, and the amount of Recovery Act funds associated with such projects, job creation statistics, and maintenance of effort data.²⁷

Each recipient that received Recovery Act funds from a Federal agency must also submit a quarterly report to that agency no later than 10 days (beginning July 10, 2009) after the end of each calendar quarter. Each agency shall make such information publicly available by posting the information on a website no later than 30 days (beginning July 30, 2009) after the end of each calendar quarter. These reports include the amount of Recovery Act funds received, expended, and obligated, a detailed list of all projects for which Recovery Act funds were expended or obligated, and detailed information on any subcontracts or subgrants awarded by the recipient.²⁸

Recovery Act Implementation: On March 3, 2009, the FAA issued guidance to airport sponsors explaining the requirements of the Recovery Act and the agency's planned process for distributing

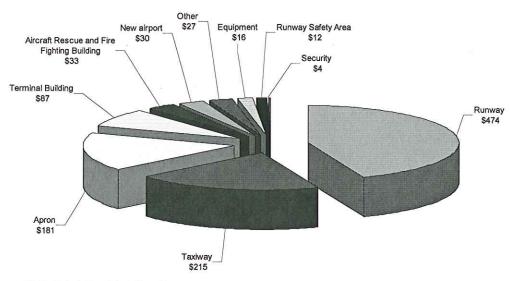
²⁷ Id. § 1201.

²⁸ Id. § 1512.

AIP funds provided by the Recovery Act. Additional guidance is being issued as program specifics are defined.

The chart below represents the FAA's current best estimate of the set of projects that will receive Recovery Act funding, by type of project. It is subject to change because the FAA may discover that some projects are not able to proceed and must be replaced, or as bids come in better than expected and, therefore, the FAA is able to add new projects to the list.

Anticipated American Recovery and Reinvestment Act Airport Projects by Category*



Source: Federal Aviation Administration.

Examples of projects to be funded include:

- > \$7 million to rehabilitate a runway at Denver International Airport;
- > \$8 million to rehabilitate a taxiway at Tampa International Airport; and
- > \$4.5 million to improve a runway safety area at the Savannah/Hilton Head International Airport.

As of May 14, 2009, the FAA had identified \$1.09 billion of specific Recovery Act projects (representing 99.5 percent of Recovery Act AIP funds). Of that amount, \$1.004 billion (representing 302 projects) has been through Congressional notification, and an additional \$80.5 million is awaiting processing to Congress. After tentative funding allocations are announced, airport sponsors are able to solicit bids for construction. Sponsors will then submit their grant applications to the FAA based on the bids received. After a grant application is approved, the funds will be obligated by the FAA.

As of May 15, 2009, the FAA had obligated \$72 million for AIP projects. Obligated projects include a project to rehabilitate runway lighting at Northeast Alabama Regional Airport in Gadsden,

Alabama, (\$375,000) and a project to acquire an Aircraft Rescue & Fire Fighting Vehicle at Baton Rouge Municipal Airport in Baton Rouge, Louisiana (\$2.5 million).

For the latest list of projects for which tentative funding allocations have been announced, see: http://www.faa.gov/airports_airtraffic/airports/aip/grantapportion_data/media/fy09_cumulative_approved_arra_grants.xls

Economic Impact: Create approximately 30,600 jobs and \$5.5 billion of economic activity.

FAA FACILITIES & EQUIPMENT - \$200 MILLION

Recovery Act: Provides \$200 million for capital improvements to the FAA facilities.

<u>Distribution</u>: Funds may be distributed through the FAA's existing administrative processes or in the form of grants. Within 60 days (April 17, 2009) of the date of enactment, the FAA Administrator shall establish a procedure for applying for grants under this program, reviewing such applications, and awarding grants and cooperative and other transaction agreements under this program.

<u>Prioritization</u>: Prioritizes funds on projects that will be completed within two years (February 17, 2011) of the date of enactment.

Shovel-Ready Deadlines: The FAA must obligate 100 percent of funds by September 30, 2010.

Transparency and Accountability Requirements: Grant recipients must submit periodic reports to the FAA on the use of Recovery Act funds no later than 90 days (May 18, 2009), 180 days (August 16, 2009), one year (February 17, 2010), two years (February 17, 2011), and three years (February 17, 2012) after the date of enactment of the Recovery Act. These reports will be collected and compiled by the FAA and transmitted to Congress. These reports include the amount of Recovery Act funds appropriated, allocated, obligated, and outlayed, the number of projects that have been put out to bid and have been awarded, where work has begun and been completed, and the amount of Recovery Act funds associated with such projects, job creation statistics, and maintenance of effort data.²⁹

Each recipient that received Recovery Act funds from a Federal agency must also submit a quarterly report to that agency no later than 10 days (beginning July 10, 2009) after the end of each calendar quarter. Each agency shall make such information publicly available by posting the information on a website no later than 30 days (beginning July 30, 2009) after the end of each calendar quarter. These reports include the amount of Recovery Act funds received, expended, and obligated, a detailed list

²⁹ Id. § 1201.

of all projects for which Recovery Act funds were expended or obligated, and detailed information on any subcontracts or subgrants awarded by the recipient.³⁰

Recovery Act Implementation: The FAA plans to use Recovery Act funds to upgrade power systems (\$50 million), air route traffic control centers (\$50 million), air traffic control towers and terminal radar approach control facilities (\$80 million), and navigation and landing equipment (\$20 million). For the latest list of approximately 300 projects for which tentative funding allocations have been announced, see:

http://www.faa.gov/recovery/programs/media/facilities and equipment arra funding.pdf

As of May 15, 2009, the FAA had obligated \$44 million, including modernization projects at 19 air traffic control facilities. The FAA plans to issue procurement requests for fuel storage tank, battery replacement, and other maintenance projects and award such contracts by June 2009.

Economic Impact: Create approximately 5,600 jobs and \$990 million of economic activity.

³⁰ Id. § 1512.

ENVIRONMENTAL INFRASTRUCTURE - \$5.26 BILLON

CLEAN WATER STATE REVOLVING FUND - \$4 BILLION

Recovery Act: Provides an additional \$4 billion to construct, rehabilitate, and modernize the nation's wastewater infrastructure through the Clean Water State Revolving Fund (SRF) program. Within the existing Clean Water SRF allocation to States, direct individual State infrastructure financing authorities to: (1) utilize 50 percent of the capitalization grants for additional subsidizations in the form of negative interest loans, principle subsidization, or grants; and (2) utilize 20 percent of the capitalization grant for investment in green infrastructure projects, environmentally innovative activities, or projects or technologies that use energy and water efficient plans or components.

<u>Distribution</u>: Distributes \$4 billion for the Clean Water SRF pursuant to the existing Clean Water Act distribution formula.

Under the Recovery Act, State infrastructure financing authorities are required to utilize 50 percent of the capitalization grant for additional subsidizations in the form of negative interest loans, principal forgiveness, or grants to increase the overall affordability of wastewater infrastructure projects.

In addition, the Recovery Act requires State infrastructure financing authorities to utilize 20 percent of the capitalization grant for investment in green infrastructure projects, water or energy efficiency improvements, or environmentally innovative activities.

<u>Prioritization</u>: Notwithstanding the priority rankings projects would otherwise receive under the program, prioritizes economic recovery funds on projects on a State priority list that are ready to proceed to construction within 12 months (February 17, 2010) of enactment.

<u>Shovel-Ready Deadlines</u>: Requires State infrastructure financing authorities to award contracts for projects or proceed to construction within one year (February 17, 2010) of the date of enactment. Funds for projects not under contract or under construction within one year will be withdrawn by the Environmental Protection Agency (EPA) Administrator and reallocated among the remaining States.

Transparency and Accountability Requirements: EPA must submit a general plan for the expenditure of Recovery Act funds to the Committees on Appropriations within 30 days (March 19, 2009) of enactment of the Recovery Act. EPA must submit a report containing detailed project level information associated with the general plan within 90 days (May 18, 2009) of enactment of the Recovery Act.³¹

³¹ Id. § 701.

Each recipient that received Recovery Act funds from a Federal agency must also submit a quarterly report to that agency no later than 10 days (beginning July 10, 2009) after the end of each calendar quarter. Each agency shall make such information publicly available by posting the information on a website no later than 30 days (beginning July 30, 2009) after the end of each calendar quarter. These reports include the amount of Recovery Act funds received, expended, and obligated, a detailed list of all projects for which Recovery Act funds were expended or obligated, and detailed information on any subcontracts or subgrants awarded by the recipient.³²

Recovery Act Implementation: On March 2, 2009, EPA issued initial guidance on the requirements of the Recovery Act, and how EPA plans to use Recovery Act funds to make capitalization grants for the Clean Water SRF. On March 24, 2009, EPA posted Clean Water SRF allotments by state. These allotments are summarized in the attached tables, and are available on EPA's website at:

http://www.epa.gov/water/eparecovery/docs/Final SRF eco recovery allotments.pdf.

On April 1, 2009, EPA's Acting Assistant Administrator for the Office of Water signed a nationwide waiver of the Buy American provision of the Recovery Act for eligible projects under the Clean Water SRF "for which debt was incurred on or after October 1, 2009 and before February 17, 2009," (See 74 Fed. Reg. 157220). Projects eligible for this limited waiver of the Buy American provisions would include: (1) specific designs; (2) projects that may have solicited bids from prospective contractors, and (3) projects that may have awarded construction contracts, and in some cases began construction, prior to February 17, 2009.

On April 3, 2009, the Office of Management and Budget (OMB) released initial administrative guidance for the implementation of the Recovery Act, including guidance for the implementation of the Buy American provision of section 1605 of the Recovery Act. This guidance document provides additional details on how Federal agencies, including EPA, should interpret the Buy American provision, and how such provision should be interpreted by the individual States that receive capitalization grants for the Clean Water SRF under the Recovery Act.

On April 28, 2009, EPA's Office of Wastewater Management and Ground Water and Drink Water issued additional guidance on the implementation of the Buy American provisions for wastewater infrastructure. This guidance document provides a specific, step-by-step process for obtaining a waiver of the Buy American provision of the Recovery Act in instances where EPA determines that "(1) applying these requirements would be inconsistent with the public interest; (2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of satisfactory quality; or (3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent." The April 28, 2009 guidance provides specific materials for the implementation of the Buy American provisions of the Recovery Act, including sample Buy American Contract language for contractors and subcontractors, draft Federal Register notices for waivers of the Buy American provisions, and a checklist for a waiver request.

As of May 15, 2009, EPA had announced \$2.2 billion for 48 Clean Water SRF projects in 33 States.

³² Id. § 1512.

Economic Impact: Creates approximately 111,000 jobs and \$20 billion of economic activity.

SUPERFUND - \$600 MILLION

Recovery Act: Provides \$600 million for the Superfund program, a comprehensive program to clean up the nation's worst abandoned or uncontrolled hazardous waste sites.

<u>Distribution:</u> Distributes \$600 million through existing EPA Superfund program.

<u>Prioritization:</u> EPA selected projects for Recovery Act funding based on a variety of factors, including: construction readiness; human and ecological risk; and opportunities to reduce project costs and schedules.

EPA anticipates that the benefits of applying Recovery Act funds to the Superfund program will include: acceleration of existing projects; investment in new projects; faster return of sites to productive use; and potential acceleration of "green remediation" technology.

Shovel-Ready Deadlines: EPA must obligate 100 percent of funds by September 30, 2010.

<u>Transparency and Accountability Requirements</u>: EPA must submit a general plan for the expenditure of Recovery Act funds to the Committees on Appropriations within 30 days (March 19, 2009) of the date of enactment of the Recovery Act. EPA must submit a report containing detailed project level information associated with the general plan within 90 days (May 18, 2009) of enactment of the Recovery Act.³³

Each recipient that received Recovery Act funds from a Federal agency must also submit a quarterly report to that agency no later than 10 days (beginning July 10, 2009) after the end of each calendar quarter. Each agency shall make such information publicly available by posting the information on a website no later than 30 days (beginning July 30, 2009) after the end of each calendar quarter. These reports include the amount of Recovery Act funds received, expended, and obligated, a detailed list of all projects for which Recovery Act funds were expended or obligated, and detailed information on any subcontracts or subgrants awarded by the recipient.³⁴

Recovery Act Implementation: On April 15, 2009, the EPA announced its distribution of \$600 million in new Superfund cleanup funding through the Recovery Act. As of May 8, 2009, \$177 million had been obligated, including \$21 million to accelerate cleanup at the Iron Mountain Superfund site near Redding, California. In most cases, Recovery Act funding decisions were made

³³ *Id.* § 701.

³⁴ Id. § 1512.

to accelerate cleanup of hazardous waste sites already underway. The Superfund sites receiving Recovery Act funds are:

State	Location	Project
California	Clear Oaks	Sulphur Bank Mercury Mine
California	Davis	Frontier Fertilizer
California	Redding	Iron Mountain Mine
Colorado	Central City	Clear Creek
Colorado	Del Norte	Summitville Mine
Delaware	New Castle	Standard Chlorine
Florida	Clermont	Tower Chemical
Florida	Marianna	United Metals
Florida	Pensacola	Escambia Wood
Georgia	Brunswick	Brunswick Wood
Georgia	Fort Valley	Woolfolk
Idaho	Kellogg	BH Mining; Basin Property
	30	Remediation Program
Illinois	Waukegan	Outboard Marine Corporation
Indiana	Evansville	Jacobsville Neighborhood Soil
	×	Contamination Soil
Indiana	Kokomo	Continental Steel
Kansas	Galena	Cherokee County
Massachusetts	Lowell	Silresim Chemical
Massachusetts	Mansfield/Foxborough	Hatheway & Patterson
Massachusetts	New Bedford	New Bedford Harbor
Minnesota	Minneapolis	South Minneapolis Residential
	1	Soil Contamination
Missouri	Fredericktown	Madison County
Missouri	Joplin	Oronogo-Duenweg
Montana	Near Helena	Upper Ten Mile
Nebraska	Omaha	Omaha Lead
New Hampshire	Kingston	Ottati & Goss
New Jersey	Camden & Gloucester County	Welsbach
New Jersey	Florence	Roebling Steel
New Jersey	Galloway	Emmell's Landfill
New Jersey	Morganville	Imperial Oil
New Jersey	Pleasantville & Egg Harbor	Price Landfill
New Jersey	Sayreville	Horseshoe Road
New Jersey	South Plainfield	Cornell Dubilier
New Jersey	Vineland	Vineland Chemical
New Mexico	Grants	Grants Chlorinated
New York	Garden City	Old Roosevelt Field
New York	Port Jefferson	Lawrence Aviation
TO AND THE STREET STATE OF THE	Roxboro	GMH
North Carolina	L K OX DOTO	

State	Location	Project
North Dakota	Southeast	Arsenic Trioxide
Oklahoma	Ottawa Co.	Tar Creek
Pennsylvania	Havertown	Havertown
Pennsylvania	Huff's Church	Crossley Farm
South Dakota	Near Lead	Gilt Edge
Texas	Longview	Garland Creosoting
Utah	Bountiful	Bountiful W/C
Utah	Eureka	Eureka Mills
Vermont	Stafford	Elizabeth Mine
Virginia	Portsmouth	Atlantic Wood Industries
Washington	Bainbridge Island	Wyckoff/Eagle Harbor
Washington	Tacoma	Commencement Bay

Economic Impact: Creates approximately 16,700 jobs and \$3 billion of economic activity.

Brownfields - \$100 Million

Recovery Act: Provides \$100 million for EPA's Brownfields Discretionary Grant Program.

<u>Distribution</u>: Distributes funds to States, cities, and redevelopment agencies through existing EPA Brownfields Discretionary Grant program for site assessments, remediation and cleanup grants, and to capitalize state Brownfield revolving loan programs as authorized under section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510), as amended by the Brownfields Revitalization and Environmental Restoration Act of 2001 (P.L. 107-118).

<u>Prioritization:</u> On April 10, 2009, announced the criteria for funding decisions under the Brownfields Revolving Loan Funds program, including the demonstrated ability of the revolving loan fund to make loans and subgrants with Recovery Act funds "quickly" (i.e., "shovel-ready" projects) for cleanups that can be started and completed expeditiously, and the demonstrated ability to use supplemental revolving loan funds in a manner that maximizes job creation.

Shovel-Ready Deadlines: EPA must obligate 100 percent of funds by September 30, 2010.

<u>Transparency and Accountability Requirements</u>: EPA must submit a general plan for the expenditure of Recovery Act funds to the Committees on Appropriations within 30 days (March 19, 2009) of the date of enactment of the Recovery Act. EPA must submit a report containing detailed

project level information associated with the general plan within 90 days (May 18, 2009) of the date of enactment of the Recovery Act.³⁵

Each recipient that received Recovery Act funds from a Federal agency must also submit a quarterly report to that agency no later than 10 days (beginning July 10, 2009) after the end of each calendar quarter. Each agency shall make such information publicly available by posting the information on a website no later than 30 days (beginning July 30, 2009) after the end of each calendar quarter. These reports include the amount of Recovery Act funds received, expended, and obligated, a detailed list of all projects for which Recovery Act funds were expended or obligated, and detailed information on any subcontracts or subgrants awarded by the recipient.³⁶

Recovery Act Implementation:

Environmental Job Training (\$5 million): On March 19, 2009, the EPA issued a request for applications from eligible governmental entities and nonprofit organizations to provide environmental job training projects that will facilitate job creation in the assessment, remediation, or preparation of Brownfields sites for sustainable reuse. The closing date for receipt of applications was April 20, 2009.

Brownfields Revolving Loan Funds (\$40 million): On April 10, 2009, EPA published a notice in the Federal Register (74 Fed. Reg. 16386) that the agency was accepting requests for approximately \$40 million for supplemental funding of current Brownfields revolving loan funds established under section 104(k)(4) of the Superfund law. Applications for supplemental Brownfields revolving loan funds were submitted to EPA Regional offices by May 1, 2009.

Brownfields Environmental Site Assessment and Cleanup Grants (\$55 million): On May 8, 2009, EPA announced the availability of \$111.9 million in Brownfields environmental site assessment and cleanup grants for 252 individual applicants. Consistent with EPA's prior announcement, this funding represents grant awards from the FY2009 regular appropriations for the Brownfields site assessment and cleanup grant program, as well as the funding received under the Recovery Act for these purposes. In all, 252 applicants were selected to receive 389 grants. Specific information on the awards can be viewed at: http://www.epa.gov/brownfields/grant announce/recovact5509.pdf.

Economic Impact: Creates approximately 2,800 jobs and \$500 million of economic activity.

³⁵ Id. § 701.

³⁶ *Id.* § 1512.

WATERSHED REHABILITATION PROGRAM - \$50 MILLION

Recovery Act: Provides \$50 million for the rehabilitation of deficient flood damage reduction projects under the Watershed Rehabilitation Program.

<u>Distribution</u>: Funds will be distributed to rehabilitate aging flood control structures nationwide.

<u>Prioritization:</u> Funds must be allocated to projects that can be fully funded and completed with the funds appropriated in the Recovery Act, and funds must be allocated to activities that can commence promptly following enactment of the Recovery Act.

<u>Shovel-Ready Deadlines:</u> The Natural Resources Conservation Service (NRCS) must obligate 100 percent of funds by September 30, 2010.

Transparency and Accountability Requirements: Each recipient that received Recovery Act funds from a Federal agency must submit a quarterly report to that agency no later than 10 days (beginning July 10, 2009) after the end of each calendar quarter. Each agency shall make such information publicly available by posting the information on a website no later than 30 days (beginning July 30, 2009) after the end of each calendar quarter. These reports include the amount of Recovery Act funds received, expended, and obligated, a detailed list of all projects for which Recovery Act funds were expended or obligated, and detailed information on any subcontracts or subgrants awarded by the recipient.³⁷

³⁷ Id. § 1512.

Recovery Act Implementation: On April 6, 2009, NRCS announced the distribution of approximately \$45 million in Recovery Act funds through this program to rehabilitate the following 27 dams:

State	Project	Funding
Arkansas	Poteau River 5	\$1,495,000
Georgia	Little Sandy & Trail 1	\$840,000
Georgia	Marbury 22	\$300,000
Georgia	Sandy Creek 23	\$1,675,000
Georgia	Sandy Creek 15	\$1,975,000
Georgia	South River 4	\$1,375,000
Georgia	South River 10	\$150,000
Kansas	Switzler Creek 7	\$1,135,000
Massachusetts	Su-As-Co MA301	\$2,357,400
Massachusetts	Su-As-Co MA303	\$2,007,000
Missouri	Lost Creek B-2	\$400,000
Nebraska	Papio W-3	\$1,170,000
New York	Little Choconut 2	\$344,200
New York	Conewango 3	\$1,200,000
New York	Conewango 6	\$1,200,000
Oklahoma	Cottonwood Creek 15	\$3,610,000
Oklahoma	Sallisaw Creek 18	\$4,160,000
Oklahoma	Upper Clear Boggy Creek 33	\$1,010,000
Oklahoma	Upper Clear Boggy Creek 34	\$960,000
Oklahoma	Upper Clear Boggy Creek 35	\$840,000
Oklahoma	Washita-Sugar Creek L-43	\$1,645,000
Oklahoma	Washita-Sugar Creek L-44	\$1,790,000
Texas	Calaveras Creek 6	\$2,373,000
Texas	Plum Creek 5	\$2,452,000
Virginia	Pohick Creek 2	\$2,195,000
Virginia	Pohick Creek 3	\$2,160,000
West Virginia	Potomac-New Creek-Whites 14	\$4,050,000
Total		\$44,868,600

As of May 8, 2009, NRCS had obligated \$833,000 to rehabilitate aging flood control structures throughout the country. NRCS recently announced that Colorado will receive \$3.58 million in funding for watershed rehabilitation projects to improve water quality, increase water supply, decrease soil erosion, and improve fish and wildlife habitat in rural communities.

Economic Impact: Creates approximately 1,400 jobs and \$250 million of economic activity.

WATERSHED AND FLOOD PREVENTION OPERATIONS - \$290 MILLION

Recovery Act: Provides \$145 million for watershed operations, and \$145 million for floodplain easements.

<u>Distribution</u>: Funds will be distributed by NRCS to improve water quality, increase water supply, decrease soil erosion, and improve fish and wildlife habitat in rural communities. Other major benefits from these projects include improve community safe and health, flood mitigation, sediment control, and enhanced fish and wildlife habitat.

<u>Prioritization:</u> Funds must be allocated to projects that can be fully funded and completed with the funds appropriated in the Recovery Act, and funds must be allocated to activities that can commence promptly following enactment of the Recovery Act.

Shovel-Ready Deadlines: NRCS must obligate 100 percent of funds by September 30, 2010.

Transparency and Accountability Requirements: Each recipient that received Recovery Act funds from a Federal agency must submit a quarterly report to that agency no later than 10 days (beginning July 10, 2009) after the end of each calendar quarter. Each agency shall make such information publicly available by posting the information on a website no later than 30 days (beginning July 30, 2009) after the end of each calendar quarter. These reports include the amount of Recovery Act funds received, expended, and obligated, a detailed list of all projects for which Recovery Act funds were expended or obligated, and detailed information on any subcontracts or subgrants awarded by the recipient.³⁸

Recovery Act Implementation: On April 16, 2009, NRCS announced the distribution of \$84.8 million to state and local governments. This funding is pursuant to NRCS's authority for watershed operations under the Watershed Protection and Flood Prevention Act of 1954 (P.L. 83-566), and designated watersheds authorized by the Flood Control Act of 1944 (P.L. 78-534). NRCS is directing technical and financial assistance available through this funding toward projects that are ready to begin and that will relieve stress on local economies through the creation of over 1,400 jobs.

³⁸ *Id.* § 1512.

Location	Project	Funding
Arkansas	Upper Petit Jean	\$134,000
California	Stemple Creek	\$275,000
California	Lower Silver Creek	\$10,000,000
Colorado	Beaver Creek	\$2,500,000
Colorado	Highline Breaks	\$629,000
Colorado	Holbrook Lake Ditch	\$185,000
Colorado	Limestone-Graveyard Creeks	\$187,000
Colorado	Trinidad Lake North	\$79,000
Iowa	Mill Creek	\$57,500
Iowa	Hacklebarney	\$161,000
Iowa	East Fork of The Grand River	\$1,258,250
Idaho	Southern Washington County Water Quality Project	\$430,000
Kansas	Big Caney	\$214,000
Kentucky	Fox Creek	\$4,092,880
Louisiana	Bayou Duralde-Lower Nezpique	\$1,270,000
Louisiana	Red Bayou	\$3,200,000
Minnesota	Whitewater River	\$299,000
Minnesota	Kanaranzi-Little Rock	\$245,000
Missouri	East Yellow Creek	\$420,000
Missouri	West Fork of Big Creek	\$950,000
Missouri	Upper Locust Creek	\$1,730,000
Missouri	Big Creek-Hurricane Creek	\$950,000
Missouri	East Fork of Big Creek	\$850,000
Montana	Buffalo Rapids	\$281,000
Nebraska	Blackwood Creek	\$2,000,000
New York	New York City Watersheds	\$1,000,000
North Carolina	Swan Quarter Watershed	\$5,280,858
Oklahoma	Upper Red Rock Creek	\$60,000
Oklahoma	Stillwater Creek	\$40,000
Oklahoma	Turkey Creek	\$1,670,000
Pennsylvania	Tulpehocken Creek	\$1,375,000
Pennsylvania	Red-White Clay Creeks	\$430,000
Pennsylvania	Brandywine Creek	\$20,000
Pennsylvania	Neshaminy Creek	\$10,075,000
Northern Marianas (Saipan)	Kagman	\$4,150,000
Texas	Elm Creek (Cen-Tex)	\$746,000
Texas	Caney Creek	\$399,000
Texas	Trinity - Big Sandy Creek	\$369,000
Texas	Lower Brushy Creek	\$2,502,000
Texas	Plum Creek	\$1,335,000
Texas	Trinity - Little Elm & Laterals	\$1,508,000
Texas	Trinity - Chambers Creek	\$8,558,000
Texas	Trinity - East Fork Above Lavon	\$666,000
Texas	Trinity - Hickory Creek	\$658,000

Location	Project	Funding
Texas	Trinity - Pilot Grove	\$744,000
Texas	Trinity - Richland Creek	\$3,125,000
Texas	Upper Brushy Creek	\$930,000
Virginia	Little Reed Island Creek	\$225,300
Virginia	Chestnut Creek	\$367,700
Virginia	North Fork Powell River	\$380,000
Washington	Omak Creek	\$625,000
West Virginia	Upper Deckers Creek	\$2,100,000
West Virginia	Upper Tygart	\$3,025,000
Total		\$84,761,488

Regarding funding for floodplain easements, on March 26, 2009, Secretary Vilsack announced an extension of the sign-up period to May 1, 2009, to ensure that landowners impacted by the recent flooding in states including North Dakota and Minnesota have an opportunity to apply for this assistance. As of April 16, 2009, NRCS had received over 4,000 applications (representing 46 States, over 460,000 acres, and over \$1.3 billion in requests) for the \$145 million pool of funding.

As of May 8, 2009, \$2 million had been obligated for watershed and flood operations.

Economic Impact: Creates approximately 8,000 jobs and \$1.4 billion of economic activity.

INTERNATIONAL BOUNDARY AND WATER COMMISSION - \$220 MILLION

Recovery Act: Provides \$224 million to the United States Section of the International Boundary and Water Commission (IBWC) to carry out immediate repair and rehabilitation requirements of existing water supply infrastructure along the U.S.-Mexican border.

<u>Distribution</u>: These funds will allow rehabilitation of approximately 170 miles of deficient levees, including Rio Grande levees as well as levees in the interior floodways in the Lower Rio Grande Flood Control Project.

<u>Prioritization</u>: The IBWC has prioritized Recovery Act funds for projects necessary to raise levee heights and make structural repairs to ensure the levees provide adequate protection during the 100-year flood, a flood that has a 1 percent chance of occurring in any given year. The levee rehabilitation is intended to meet standards established by the Federal Emergency Management Agency (FEMA).

Shovel-Ready Deadlines: IBWC must obligate 100 percent of funds by September 30, 2010.

<u>Transparency and Accountability Requirements</u>: IBWC must submit a detailed spending plan for funds appropriated under the Recovery Act to the Committees on Appropriations within 90 days (May 18, 2009) of enactment of the Recovery Act.³⁹

Each recipient that received Recovery Act funds from a Federal agency must also submit a quarterly report to that agency no later than 10 days (beginning July 10, 2009) after the end of each calendar quarter. Each agency shall make such information publicly available by posting the information on a website no later than 30 days (beginning July 30, 2009) after the end of each calendar quarter. These reports include the amount of Recovery Act funds received, expended, and obligated, a detailed list of all projects for which Recovery Act funds were expended or obligated, and detailed information on any subcontracts or subgrants awarded by the recipient.⁴⁰

Recovery Act Implementation: On March 9, 2009, IBWC released a list of projects to be undertaken with the Recovery Act funds.

³⁹ Id. Title XI.

⁴⁰ Id. § 1512.

Upper Rio Grande River

Location	Project	
Hatch Siphon to Bignell Arroyo	West Levee	
Shalem Bridge in Doña Ana County to near Country Club Bridge in El Paso County	West Levee	
Anapra	West Levee	
Mesilla Dam to Vinton Bridge	East Levee	
Vinton Bridge to Borderland Bridge	East Levee/Canutillo Floodwall	
Borderland Bridge to near Country Club Bridge	East Levee	
Rio Grande Power Plant to American Dam	East Levee	
Fabens area	U.S. Levee	
Fort Hancock area	U.S. Levee	
Downstream from Ysleta-Zaragoza Port of Entry to Fort Quitman	U.S. Levee	

Lower Rio Grande River

Location	Project	
Hidalgo Loop Levee Phase I and II	U.S. Rio Grande Levee	
Mission Levee and Culverts at Edinburg Pump	U.S. Rio Grande Levee	
Lateral A to Retamal Dam	U.S. Rio Grande Levee	
Granjeño to Hidalgo-Cameron County line	North Levee of the Main and North Floodways	
Start of floodway to Baseline Road	South Levee of the Main and North Floodways	
Divisor Dike to Hidalgo-Cameron County line	Arroyo Colorado	

As of May 15, 2009, IBWC had obligated \$10 million for four projects funded by the Recovery Act. These obligations include the commitment of a purchase request for design of Main and North Floodways and the Arroyo Colorado segments (totaling \$4 million) and for the construction of Banker Floodway North Levee segment (totaling \$740,000).

Economic Impact: Creates approximately 6,100 jobs and \$1.1 billion of economic activity.

U.S. ARMY CORPS OF ENGINEERS - \$4.6 BILLION

Recovery Act:

- 1. Provides an additional \$2 billion for the Corps of Engineers Construction program;
- 2. Provides an additional \$2.075 billion for the Corps of Engineers Operation and Maintenance program;
- 3. Provides an additional \$375 million for the Corps of Engineers Mississippi River and Tributaries program;
- 4. Provides an additional \$100 million for the Corps of Engineers Formerly Utilized Remedial Action Program;
- 5. Provides an additional \$25 million for the Corps of Engineers Investigations program; and
- 6. Provides an additional \$25 million for the Corps of Engineers Regulatory Program.

<u>Distribution</u>: Distributes funds to the Corps of Engineers, which will determine the distribution of funds through its existing project selection process. Water resources development projects include navigation, flood control, hurricane and storm damage reduction, shoreline protection, hydroelectric power, recreation, water supply, environmental infrastructure, environmental protection, restoration and enhancement, and fish and wildlife mitigation projects.

<u>Prioritization</u>: Requires that funds be used for programs, projects or activities (or elements of programs, projects, or activities) that can be completed within the funds made available in the Recovery Act, and that will not require new budget authority to complete.

<u>Shovel-Ready Deadlines</u>: The Corps must obligate 100 percent of the funds by September 30, 2010.

<u>Transparency and Accountability Requirements</u>: Beginning 45 days (April 3, 2009) after the date of enactment of the Recovery Act, the Corps must submit quarterly reports to the Committees on Appropriations detailing the allocation, obligation, and expenditures of these funds.⁴¹

Each recipient that received Recovery Act funds from a Federal agency must also submit a quarterly report to that agency no later than 10 days (beginning July 10, 2009) after the end of each calendar quarter. Each agency shall make such information publicly available by posting the information on a website no later than 30 days (beginning July 30, 2009) after the end of each calendar quarter. These reports include the amount of Recovery Act funds received, expended, and obligated, a detailed list

⁴¹ Id. Title IV.

of all projects for which Recovery Act funds were expended or obligated, and detailed information on any subcontracts or subgrants awarded by the recipient.⁴²

Recovery Act Implementation: On April 28, 2009, the Corps posted its lists of Civil Works projects funded by the Recovery Act. The Corps selected and OMB approved approximately 178 Construction projects, 892 Operation and Maintenance projects, 45 Mississippi River and Tributaries projects, 9 Former Utilized Remedial Action Program projects, and 67 Investigations studies and projects. Selected projects are geographically distributed across the U.S. to provide the Nation with inland and coastal navigation, environmental, flood risk management, hydropower, and recreation improvements. On May 1, 2009, initial funds were assigned to selected Civil Works projects to initiate Recovery Act funded work. Additional funds will be assigned to those projects on a weekly basis as needed for contract obligations. On May 8, 2009, the Corps circulated its draft Civil Works Agency Recovery Act Plan for review.

As of May 8, 2009, the Corps had obligated nearly \$53 million for its Construction program and \$9 million for its Operation and Maintenance program.

For the latest list of announced projects, see: http://www.usace.army.mil/recovery/Pages/Projects.aspx.

Economic Impact: Creates approximately 139,000 jobs and \$23 billion of economic activity.

⁴² *Id.* § 1512.

FEDERAL BUILDINGS - \$5.575 BILLION

GENERAL SERVICES ADMINISTRATION - \$5.55 BILLION

Recovery Act:

- 1. Provides \$4.5 billion to convert General Services Administration (GSA) Federal buildings to High-Performance Green Buildings as defined in section 401 of P.L. 110-140, the Energy Independence and Security Act of 2007;
- 2. Provides \$750 million for repair, alteration, and construction of Federal buildings and U.S. courthouses, and according to Joint Explanatory Statement of the Committee of Conference, of which \$450 million shall be for a new headquarters for the Department of Homeland Security; and
- 3. Provides \$300 million for border stations and land ports of entry.

<u>Distribution</u>: Distributes funds through existing GSA prospectus and non-prospectus programs. GSA would determine the distribution of funds through its existing administrative processes.

<u>Prioritization</u>: According to Joint Explanatory Statement of the Committee of Conference, with regard to funding for High-Performance Green Buildings, funds are focused on projects that will, throughout the life-cycle of the building, reduce energy, water, and material resource use, improve indoor environmental quality, and reduce negative impacts on the environment, including air and water pollution and waste generation. With regard to funds that are used for new U.S. courthouse construction, GSA is advised to consider projects for which the design provides courtroom space for senior judges for up to ten years from eligibility for senior status, not to exceed one courtroom for every two senior judges.

Shovel-Ready Deadlines: Requires GSA to obligate not less than \$5 billion of the funds by September 30, 2010, and the remainder not later than September 30, 2011.

<u>Transparency and Accountability Requirements</u>: GSA must submit a detailed plan, by project, regarding the use of funds made available in this Act to the Committees on Appropriations within 45 days (April 3, 2009) of enactment of the Recovery Act, and shall provide notification to said Committees within 15 days prior to any changes regarding the use of these funds.⁴⁴

Each recipient that received Recovery Act funds from a Federal agency must also submit a quarterly report to that agency no later than 10 days (beginning July 10, 2009) after the end of each calendar quarter. Each agency shall make such information publicly available by posting the information on a website no later than 30 days (beginning July 30, 2009) after the end of each calendar quarter. These

⁴³ See Energy Independence and Security Act of 2007, Pub. L. No. 110-140, § 401 (2007).

⁴⁴ Id. Title V.

reports include the amount of Recovery Act funds received, expended, and obligated, a detailed list of all projects for which Recovery Act funds were expended or obligated, and detailed information on any subcontracts or subgrants awarded by the recipient.⁴⁵

Recovery Act Implementation: The Recovery Act provides \$5.55 billion to GSA, including \$4.5 billion to convert Federal buildings to high-performance green buildings, \$750 million for repair, alteration, and construction of Federal buildings and U.S. courthouses (of which \$450 million is for a new headquarters for the Department of Homeland Security), and \$300 million for border stations and land ports of entry. GSA has established a national Program Management Office to oversee Recovery Act projects. The Office is now staffed and operational. As of May 15, 2009, GSA had obligated \$98 million in Federal Buildings Recovery Act funds for 16 projects.

On March 31, 2009, GSA released a plan detailing how it will spend the \$5.55 billion provided by the Recovery Act. GSA selected the best projects for accomplishing the goals of the Recovery Act based on two over-arching criteria:

- the ability of the project to put people back to work quickly; and
- transforming Federal buildings into high-performance green buildings.

The plan comprises hundreds of projects in all 50 States, Washington, DC, and two U.S. Territories, including:

- constructing 10 Federal buildings and courthouses in five States, Washington, DC, and Puerto Rico (\$733.7 million);
- constructing five border stations and land ports of entry in five States on the U.S.-Mexico and U.S.-Canada borders (\$300 million);
- modernizing 43 Federal buildings and courthouses in 20 States, Washington, DC, and Puerto Rico with major projects to convert facilities to high-performance green buildings (\$3.17 billion);
- modernizing 194 Federal buildings and courthouses in 48 States, Washington, DC, Puerto Rico, and the Virgin Islands with limited-scope projects to convert facilities to high-performance green buildings (\$806.9 million); and
- modernizing Federal buildings and courthouses with small projects to convert facilities to high-performance green buildings (\$298.6 million).

Each major modernization project will meet the energy efficiency and conservation requirements of the Energy Independence and Security Act of 2007 (P.L. 110-140). Each limited-scope modernization project will all include advanced meters for electricity and water. In addition, if the limited-scope project includes roof replacement, the roof will be replaced with integrated photovoltaic membrane (if flat and in the appropriate geography), maximum reasonable insulation

⁴⁵ *Id.* § 1512.

for the climatic zone (R-50 in colder climates), or a green roof if an integrated photovoltaic roof is not warranted.

Examples of projects to be funded include:

- construction of the Department of Homeland Security headquarters at St. Elizabeths in Washington, DC (\$450 million);
- construction of the Nogales West U.S. Land Port of Entry in Nogales, Arizona (\$199.5 million);
- > modernization of the Whipple Federal Building in Fort Snelling, Minnesota, to convert the building to a high-performance green building (\$115 million); and
- modernization of the Edith Green-Wyndell Wyatt Federal Building in Portland, Oregon (\$133 million).

The spending plan, including the complete list of projects, is posted at: http://www.gsa.gov/graphics/pbs/American Recovery and Reinvestment Act 2009.pdf.

On April 14, 2009, GSA awarded a contract for the final phase of the renovation of the Thurgood Marshall Building in New York City, New York. This will complete the modernization of this historic U.S. courthouse. Additional awards have since been made, including over \$26 million for construction of the Peace Arch Port of Entry in Blaine, Washington.

Economic Impact: Creates approximately 154,000 jobs and \$27.5 billion of economic activity.

SMITHSONIAN INSTITUTION - \$25 MILLION

Recovery Act: Provides \$25 million for repair and revitalization of existing Smithsonian Institution facilities.

<u>Distribution</u>: Distributes funds through the Smithsonian Institution's existing administrative processes.

<u>Shovel-Ready Deadlines</u>: The Smithsonian Institution must obligate 100 percent of the funds by September 30, 2010.

<u>Transparency and Accountability Requirements</u>: The Smithsonian Institution must submit a general plan for expenditures of such funds to the Committees on Appropriations within 30 days (March 19, 2009) of enactment of the Recovery Act.⁴⁶

Each recipient that received Recovery Act funds from a Federal agency must also submit a quarterly report to that agency no later than 10 days (beginning July 10, 2009) after the end of each calendar quarter. Each agency shall make such information publicly available by posting the information on a website no later than 30 days (beginning July 30, 2009) after the end of each calendar quarter. These reports include the amount of Recovery Act funds received, expended, and obligated, a detailed list of all projects for which Recovery Act funds were expended or obligated, and detailed information on any subcontracts or subgrants awarded by the recipient.⁴⁷

Recovery Act Implementation: The Smithsonian Institution has announced that the funds will be used as follows:

Arts and Industries Building - Washington, DC (\$4.6 million):

- masonry repointing of failed joints to stop the ingress of water; and
- hazardous material removal and selective demolition.

National Zoological Park (\$11.4 million):

- fire protection projects at Rock Creek campus (Washington, DC) and Conservation Research Center (Front Royal, Virginia);
- replace roofs at Rock Creek campus and Conservation Research Center;
- > replace deteriorated animal-holding facilities at Conservation Research Center; and

⁴⁶ *Id.* § 701.

⁴⁷ Id. § 1512.

repair bridges at Rock Creek campus.

Other Smithsonian Projects (\$9 million):

- install high-voltage electrical safety improvements at multiple locations on the National Mall (Washington, DC);
- install sewage backflow preventers on potable water lines at multiple locations off the National Mall, including the largest project at the Museum Support Center (Suitland, Maryland);
- install two emergency generators at the Smithsonian Environmental Research Center (Edgewater, Maryland);
- refurbish or replace elevators and escalators at the National Air and Space Museum and National Museum of American History (Washington, DC); and
- temporary/contract support approximately four personnel.

OMB has approved this apportionment and Smithsonian project managers have finalized independent government estimates of project costs. The Office of Contracting has received the Recovery Act funds to start the acquisition process and pre-solicitation notices have been posted at: https://www.fbo.gov/.

As of May 15, 2009, funds had been obligated for four projects, totaling \$3.7 million. For the latest progress information on Smithsonian Recovery Act projects, see: http://www.si.edu/recovery/.

Economic Impact: Creates approximately 700 jobs and \$124 million of economic activity.

ECONOMIC DEVELOPMENT ADMINISTRATION - \$150 MILLION

Recovery Act: Provides \$150 million for EDA's economic development programs, of which not less than \$50 million shall be for economic adjustment assistance under section 209 of the Public Works and Economic Development Act of 1965, and up to \$50 million may be transferred to federally authorized regional economic development commissions.⁴⁸

<u>Distribution</u>: Distributes funds to local partners through EDA's existing regional allocation and project selection processes. EDA may transfer funds to the Appalachian Regional Commission, the Delta Regional Authority, the Northern Great Plains Regional Authority, the Northern Border Regional Commission, the Southeast Crescent Regional Commission, and the Southwest Border Regional Commission. These Federally authorized regional economic development commissions may assist eligible applicants in submitting applications to EDA, or may seek transfers directly from EDA.

<u>Prioritization</u>: Of the \$150 million provided, not less than \$50 million must be allocated for economic adjustment assistance under section 209 of the Public Works and Economic Development Act of 1965. EDA will allocate the remaining \$100 million to either the Public Works and Economic Development Facilities Program or the Economic Adjustment Assistance Program, depending on demonstrated needs.

With regard to funding for economic adjustment assistance, the Secretary of Commerce shall give priority consideration to areas of the nation that have experienced sudden and severe economic dislocation and job loss due to corporate restructuring.

Shovel-Ready Deadlines: EDA must obligate 100 percent of the funds by September 30, 2010.

Transparency and Accountability Requirements: Each recipient that received Recovery Act funds from a Federal agency must submit a quarterly report to that agency no later than 10 days (beginning July 10, 2009) after the end of each calendar quarter. Each agency shall make such information publicly available by posting the information on a website no later than 30 days (beginning July 30, 2009) after the end of each calendar quarter. These reports include the amount of Recovery Act funds received, expended, and obligated, a detailed list of all projects for which Recovery Act funds were expended or obligated, and detailed information on any subcontracts or subgrants awarded by the recipient.⁴⁹

Recovery Act Implementation: On March 11, 2009, EDA published guidance explaining the requirements of the Recovery Act and EDA's planned process for distributing the funds provided by the Recovery Act. The guidance is posted at: http://www.eda.gov/PDF/FY09%20ARRA%20FFO%20-%20FINAL.pdf.

⁴⁸ Id. Title II.

⁴⁹ Id. § 1512.

Priority consideration will be given to those areas that have experienced sudden and severe economic dislocation and job loss due to corporate restructuring. Funds will be disbursed through EDA's six Regional Offices in the form of grants to States, local government entities, and eligible non-profits to create jobs and generate private sector investment by promoting comprehensive, entrepreneurial, and innovation-based economic development efforts. EDA will work with the federally authorized regional commissions to identify infrastructure and other grant investments that may be eligible for EDA assistance and that EDA will consider as part of its competitive review of prospective ARRA applications.

On April 22, 2009, EDA issued a Recovery Act Spending Plan, detailing how it intends to allocate the \$150 million in Recovery Act funding. Within the \$150 million total, EDA intends to fund at least \$135 million in public works grants, which support the "brick and mortar" infrastructure investments contemplated by the Recovery Act. EDA will give preference to projects that have the potential to quickly stimulate job creation and promote regional economic development, such as investments that support science and technology parks, industrial parks, business incubators, and other investments that spur entrepreneurship and innovation.

In response to the Recovery Act's requirement that EDA "give priority consideration to areas of the Nation that have experienced sudden and severe economic dislocation and job loss due to corporate restructuring", EDA has decided to allocate funding to its regional offices using a hybrid of its traditional allocation formula. EDA's proposed allocation drops lagging economic indicators in favor of a single allocation metric, three-month unemployment figures. According to EDA, these are the most contemporary data on unemployment that are available and best represent current economic conditions for the purposes of EDA's allocation. As such, the allocation of funds to EDA's regional offices will be as follows based on the most recent three-month unemployment figures available:

EDA Regional Office	Funding
Philadelphia	\$32,903,866
Atlanta	\$30,392,752
Denver	\$9,237,948
Chicago	\$27,749,378
Seattle	\$33,473,004
Austin	\$13,243,052
Total	\$147,000,000

In testimony before the Committee on Transportation and Infrastructure on April 29, 2009, EDA stated its goal to fully obligate all its Recovery Act funds by September 30, 2009, a year prior to the statutory expiration. EDA regional offices continue to develop extensive pipelines of potential Recovery Act projects, which range in size from less than \$200,000 to more than \$4 million. In the near future, EDA expects to begin the notification process for at least two Recovery Act grant awards.

Economic Impact: Create approximately 4,200 jobs and \$744 million of economic activity.

FEDERAL EMERGENCY MANAGEMENT AGENCY - \$210 MILLION

Recovery Act: Provides \$210 million for Firefighter Assistance Grants, for modifying, upgrading, or constructing non-Federal fire stations.

<u>Distribution</u>: Distributes funds through FEMA's existing competitive grant processes. No grant shall exceed \$15 million.

Shovel-Ready Deadlines: FEMA must obligate 100 percent of the funds by September 30, 2010.

Transparency and Accountability Requirements: Each recipient that received Recovery Act funds from a Federal agency must submit a quarterly report to that agency no later than 10 days (beginning July 10, 2009) after the end of each calendar quarter. Each agency shall make such information publicly available by posting the information on a website no later than 30 days (beginning July 30, 2009) after the end of each calendar quarter. These reports include the amount of Recovery Act funds received, expended, and obligated, a detailed list of all projects for which Recovery Act funds were expended or obligated, and detailed information on any subcontracts or subgrants awarded by the recipient.⁵⁰

Recovery Act Implementation: FEMA will issue grant guidance by June or July 2009, receive and review grant applications during July or August 2009, and award grants September through December 2009.

Economic Impact: Creates approximately 5,800 jobs and \$1 billion of economic activity.

⁵⁰ Id. § 1512.

COAST GUARD - \$240 MILLION

Acquisition, Construction, and Improvements - \$98 MILLION

Recovery Act: Provides \$98 million for the Coast Guard's Acquisition, Construction, and Improvements program to fund ready-to-go Coast Guard shore facility repair projects. This funding cannot be used for pre-acquisition survey, design, or construction of a new polar icebreaker.

<u>Distribution</u>: Distributes funds through the Coast Guard's existing administrative processes.

<u>Prioritization</u>: Funds are to be used for shore facilities and aids to navigation facilities; for materials and labor cost increases of priority procurements; and for costs to repair, renovate, assess, or improve vessels.

Shovel-Ready Deadlines: The Coast Guard must obligate 100 percent of the funds by September 30, 2010.

<u>Transparency and Accountability Requirements</u>: The Coast Guard must submit a plan for the expenditure of these funds to the Committees on Appropriations within 45 days (April 3, 2009) of enactment of the Recovery Act.⁵¹

Each recipient that received Recovery Act funds from a Federal agency must also submit a quarterly report to that agency no later than 10 days (beginning July 10, 2009) after the end of each calendar quarter. Each agency shall make such information publicly available by posting the information on a website no later than 30 days (beginning July 30, 2009) after the end of each calendar quarter. These reports include the amount of Recovery Act funds received, expended, and obligated, a detailed list of all projects for which Recovery Act funds were expended or obligated, and detailed information on any subcontracts or subgrants awarded by the recipient.⁵²

Recovery Act Implementation: The Coast Guard has obligated \$459,000 for the 378-foot High Endurance Cutter project. Preliminary planning documentation and outlay projections have also been completed on all shore infrastructure projects (a total of eight projects). Analysis, planning, and preliminary engineering design documentation have been completed on vessel repair/acquisition projects, including the National Security Cutter.

Economic Impact: Creates approximately 2,700 jobs and \$500 million of economic activity.

⁵¹ Id. Title VI.

⁵² *Id.* § 1512.

COAST GUARD BRIDGE ALTERATIONS - \$142 MILLION

<u>Recovery Act</u>: Provides \$142 million for the Coast Guard's Alteration of Bridges program, which funds the removal or alteration of bridges that are safety hazards or unreasonable obstructions to navigation.

<u>Distribution</u>: Distributes funds through the Coast Guard's existing administrative processes.

<u>Prioritization</u>: The Coast Guard shall award these funds to those bridges that are ready to proceed to construction.

Shovel-Ready Deadlines: The Coast Guard must obligate 100 percent of funds by September 30, 2010.

<u>Transparency and Accountability Requirements</u>: The Coast Guard must submit a plan for the expenditure of these funds to the Committees on Appropriations within 45 days (April 3, 2009) of enactment of the Recovery Act.⁵³

Each recipient that received Recovery Act funds from a Federal agency must also submit a quarterly report to that agency no later than 10 days (beginning July 10, 2009) after the end of each calendar quarter. Each agency shall make such information publicly available by posting the information on a website no later than 30 days (beginning July 30, 2009) after the end of each calendar quarter. These reports include the amount of Recovery Act funds received, expended, and obligated, a detailed list of all projects for which Recovery Act funds were expended or obligated, and detailed information on any subcontracts or subgrants awarded by the recipient.⁵⁴

<u>Recovery Act Implementation:</u> Bid documents have been completed and bid solicitations were advertised for three bridge alteration projects:

- Mobile Bridge project over the Mobile River in Hurricane, Alabama;
- > Burlington Bridge project over the Mississippi River, Iowa; and
- Elgin, Joliet, and Eastern Railway Co. Bridge project over the Illinois Waterway in Divine, Illinois.

⁵³ Id. Title VI.

⁵⁴ *Id.* § 1512.

On May 5, 2009, the Coast Guard held a pre-bid meeting for the Mobile Bridge project. Bid solicitation for the Elgin, Joint, and Eastern Railway Co. Bridge project has since been completed. In the near future, the Coast Guard plans to complete bid documents for the Galveston Bridge project over the Gulf Intercoastal Waterway, Texas.

Economic Impact: Create approximately 4,000 jobs and \$700 million of economic activity.

MARITIME ADMINISTRATION SMALL SHIPYARD GRANTS - \$100 MILLION

Recovery Act: Provides \$100 million for grants to small shipyards for capital improvement and worker training as authorized by section 54101 of title 46, United States Code.

<u>Distribution</u>: Distributes funds through the Maritime Administration's existing competitive grant program. The purpose of the grants is to make capital and infrastructure improvements that facilitate the efficiency, cost-effectiveness and quality of domestic ship construction, conversion or repair for commercial and federal government use. This program generally provides 75 percent Federal funds with 25 percent matching funds from the grant recipient. Grant funds may also be used for maritime training programs to foster technical skills and operational productivity.

Of the \$100 million, \$75 million is reserved for shipyards with 600 employees or fewer, and up to \$25 million may be awarded to shipyards with up to 1,200 employees.

<u>Shovel-Ready Deadlines</u>: The Secretary of Transportation shall ensure that funds provided under this program shall be obligated within 180 days of the date of their distribution.

Transparency and Accountability Requirements: Grant recipients must submit periodic reports to the Maritime Administration of the Department of Transportation on the use of Recovery Acts no later than 90 days (May 18, 2009), 180 days (August 16, 2009), one year (February 17, 2010), two years (February 17, 2011), and three years (February 17, 2012) after the date of enactment of the Recovery Act. These reports will be collected and compiled by the Maritime Administration of the Department of Transportation and transmitted to Congress.

Each recipient that received Recovery Act funds from a Federal agency must also submit a quarterly report to that agency no later than 10 days (beginning July 10, 2009) after the end of each calendar quarter. Each agency shall make such information publicly available by posting the information on a website no later than 30 days (beginning July 30, 2009) after the end of each calendar quarter. These reports include the amount of Recovery Act funds received, expended, and obligated, a detailed list of all projects for which Recovery Act funds were expended or obligated, and detailed information on any subcontracts or subgrants awarded by the recipient.⁵⁵

Recovery Act Implementation: Grant applications were due by April 20, 2009, and awards will be made by the Maritime Administration by August 17, 2009. The Maritime Administration received 451 grant applications totaling \$1.25 billion in requests.

⁵⁵ Id. § 1512.

For more information, see:

http://www.marad.dot.gov/ships shipping landing page/small shipyard grants/small shipyard grants.htm?printable=true.

Economic Impact: Creates approximately 2,800 jobs and \$500 million of economic activity.